

**GOVERNMENT OF PUERTO RICO
PUBLIC SERVICE REGULATORY BOARD
PUERTO RICO ENERGY BUREAU**

IN RE:

TARIFA PERMANENTE DE LA
AUTORIDAD DE ENERGÍA ELÉCTRICA
DE PUERTO RICO

CASE NO.: NEPR-MI-2020-0001

SUBJECT: Motion to Submit Monthly Report
in Compliance with the Resolution and Order
dated June 29, 2022

**MOTION TO SUBMIT MONTHLY REPORT IN COMPLIANCE WITH THE
RESOLUTION AND ORDER DATED JUNE 29, 2022**

TO THE HONORABLE PUERTO RICO ENERGY BUREAU:

COMES NOW GENERA PR LLC (“Genera”), as agent of the Puerto Rico Electric Power Authority (“PREPA”),¹ through its counsels of record, and respectfully state and request the following:

1. On June 29, 2022, the Energy Bureau of the Puerto Rico Public Service Regulatory Board (“Energy Bureau”) issued a Resolution and Order titled *Determinación sobre los Factores de las Cláusulas de Ajuste Anual para el periodo de julio 2022 a junio 2023; Determinación sobre los Factores de las Cláusulas de Ajuste Trimestral para el periodo julio — septiembre 2022* (“June 29th Order”) whereby it ordered PREPA to, amongst other things, provide:

[E]n o antes del día 15 de cada mes, comenzando con el mes de julio de 2022, presentar ante el Negociado de Energía un informe detallado de los resultados de las acciones tomadas relacionadas a reclamaciones bajo el contrato entre la Autoridad y New Fortress² para el suministro de gas natural en las unidades San Juan 5 y 6. El informe debe incluir todas las instancias o incidentes en que la

¹ Pursuant to the *Puerto Rico Thermal Generation Facilities Operation and Maintenance Agreement* (“LGAOMA”), dated January 24, 2023, executed by and among PREPA, Genera, and the Puerto Rico Public-Private Partnerships Authority, Genera is the sole operator and administrator of the Legacy Generation Assets (as defined in the LGAOMA) and the sole entity authorized to represent PREPA before PREB with respect to any matter related to the performance of any of the Operation & Maintenance (“O&M”) Services provided by Genera under the LGAOMA.

² The Fuel Sale and Purchase Agreement that Genera, as agent of PREPA, manages, has NFEnergía, LLC as the counterpart, not New Fortress Energy.

Autoridad ha tenido que utilizar diesel en lugar de gas natural desde el inicio del contrato con New Fortress, la causa o causas de cada incidente, las acciones tomadas por New Fortress y/o la Autoridad para corregir dichas causas y la documentación que evidencie las correspondientes reclamaciones realizadas por la Autoridad a! amparo del contrato y cualquier otra reclamación relacionada. Además, el informe debe estar acompañado de copia de cualquier documentación (e.g., cartas, correos electrónicos, memoranda, etc.) que apoye los datos contenidos en el mismo incluyendo, pero sin limitarse a, todas las comunicaciones cursadas entre la Autoridad y New Fortress con relación a **nominaciones de gas natural desde el inicio del contrato.**

See, June 29th Order, on Page 26.

2. In the June 29th Order, the Energy Bureau further instructed PREPA to:

[E]n o antes del día 15 de cada mes, comenzando con el mes de julio de 2022, presentar ante el Negociado de Energía un informe detallado de los resultados de las acciones tomadas relacionadas a reclamaciones bajo el contrato entre la Autoridad y Naturgy para el suministro de gas natural en las unidades Costa Sur 5 y 6. El informe debe estar acompañado de copia de cualquier documentación (e.g., cartas, correos electrónicos, memoranda, etc.) que apoye los datos contenidos en el mismo. Como parte de su radicación, la Autoridad deberá presentar también un informe detallado respecto al suministro de gas natural en las unidades Costa Sur 5 y 6, incluyendo la razón de consumo entre gas natural y combustible residual, así como la fecha estimada para el restablecimiento del suministro normal de gas natural a dichas unidades.

Id.

3. Effective July 1, 2023, Service Commencement Date, the responsibility for the O&M Services for the Legacy Generation Assets transitioned from PREPA to Genera in accordance with the provisions of the LGA OMA. *See*, Article 4, Section 4.7(b) of the LGA OMA. Regarding the management of fuel contracts, Section 5.7 of the LGA OMA specifically provides the following:

Management of Fuel and Fuel Contracts. From the Service Commencement Date and for the remainder of the Term thereafter, Operator shall source, procure and manage the nomination, transportation, delivery, supply, quality-testing, storage and handling of Fuel, manage and maintain fuel tanks, perform any required environmental reporting, and maintain and administer the Fuel Contracts, in accordance with the Contract Standards and the applicable Fuel Budget then in effect. Any renewal of an existing Fuel Contract and any procurement of a new Fuel Contract shall be subject to approval by Administrator and performed in accordance with Applicable Law and in a manner consistent with

the Procurement Manual, provided that procurement requirements that would otherwise apply to Owner under Act No. 83 of May 2, 1941 (including any rules or regulations issued thereunder) or Act 38 (including those relating to approval process and judicial review) shall not be applicable.

4. Therefore, in accordance with the obligations under the LGA OMA, Genera hereby submits the fuel nominations sent to Naturgy Aprovisionamientos S.A. for EcoEléctrica, LP and Costa Sur units 5 and 6, attached herein as Exhibit A; and the fuel nominations sent to NFEnergía, LLC for San Juan units 5 and 6, attached as Exhibit B herein.

WHEREFORE, Genera respectfully requests that the Energy Bureau **take notice** of the above for all purposes and **deem** Genera in compliance with the June 29th Order.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 15th day of February 2024.

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CERTIFICATE OF SERVICE

We hereby certify that a true and accurate copy of this motion was filed with the Office of the Clerk of the Energy Bureau using its Electronic Filing System and that we will send an electronic copy of this motion to Lionel Santa Crispín, at lionel.santa@prepa.pr.gov; Margarita Mercado Echegaray, at margarita.mercado@us.dlapiper.com; Yahaira de la Rosa, at yahaira.delarosa@us.dlapiper.com; and hrivera@jrsp.pr.gov.

In San Juan, Puerto Rico, this 15th day of February 2024.

/s/ Alejandro López-Rodríguez
Alejandro López-Rodríguez

Exhibit A

Fuel nominations sent to Naturgy Naturgy Aproveisionamientos S.A. for the supply of natural gas to EcoEléctrica, LP and Costa Sur units 5 and 6



AMENDED AND RESTATED
 NATURAL GAS SALE AND PURCHASE AGREEMENT
 BETWEEN GENERA PR, AS AGENT OF PREPA (BUYER)
 AND NATURGY APROVISIONAMIENTOS S.A. (SELLER)

COSTA SUR NINETY DAY PROGRAMME

Month M DAY	Mar-24			
	DAILY MMscf	MMBtu		
Friday, March 01, 2024	69.80	72,590		
Saturday, March 02, 2024	60.95	63,385		
Sunday, March 03, 2024	59.36	61,733		
Monday, March 04, 2024	68.38	71,112		
Tuesday, March 05, 2024	67.37	70,067		
Wednesday, March 06, 2024	68.38	71,114		
Thursday, March 07, 2024	69.54	72,321		
Friday, March 08, 2024	67.51	70,210		
Saturday, March 09, 2024	0.00	0		
Sunday, March 10, 2024	0.00	0		
Monday, March 11, 2024	0.00	0		
Tuesday, March 12, 2024	0.00	0		
Wednesday, March 13, 2024	0.00	0		
Thursday, March 14, 2024	69.23	71,995		
Friday, March 15, 2024	66.73	69,397		
Saturday, March 16, 2024	56.64	58,905		
Sunday, March 17, 2024	54.35	56,525		
Monday, March 18, 2024	69.30	72,069		
Tuesday, March 19, 2024	69.91	72,703		
Wednesday, March 20, 2024	71.01	73,850		
Thursday, March 21, 2024	117.50	122,200		
Friday, March 22, 2024	118.22	122,953		
Saturday, March 23, 2024	116.29	120,940		
Sunday, March 24, 2024	112.93	117,444		
Monday, March 25, 2024	118.43	123,165		
Tuesday, March 26, 2024	124.44	129,413		
Wednesday, March 27, 2024	125.45	130,464		
Thursday, March 28, 2024	125.01	130,008		
Friday, March 29, 2024	125.58	130,603		
Saturday, March 30, 2024	116.71	121,380		
Sunday, March 31, 2024	116.14	120,785		
	2,305	2,397	TBtu	
Date sent	Month M + 1	Apr-24	3.927	TBtu
Monday, February 5, 2024	Month M + 2	May-24	4.077	TBtu



AMENDED AND RESTATED
 NATURAL GAS SALE AND PURCHASE AGREEMENT
 BETWEEN GENERAPR, AS AGENT OF PREPA (BUYER)
 AND NATURGY APROVISIONAMIENTOS S.A. (SELLER)

ECOELECTRICA NINETY DAY PROGRAMME

Month M DAY	Mar-24	
	DAILY MMscf	MMBtu
Friday, March 01, 2024	70.15	72,958
Saturday, March 02, 2024	69.60	72,380
Sunday, March 03, 2024	68.49	71,225
Monday, March 04, 2024	70.89	73,728
Tuesday, March 05, 2024	69.34	72,111
Wednesday, March 06, 2024	69.82	72,611
Thursday, March 07, 2024	70.56	73,381
Friday, March 08, 2024	68.60	71,341
Saturday, March 09, 2024	0.00	0
Sunday, March 10, 2024	0.00	0
Monday, March 11, 2024	0.00	0
Tuesday, March 12, 2024	0.00	0
Wednesday, March 13, 2024	0.00	0
Thursday, March 14, 2024	70.52	73,343
Friday, March 15, 2024	68.41	71,148
Saturday, March 16, 2024	68.49	71,225
Sunday, March 17, 2024	68.30	71,033
Monday, March 18, 2024	70.34	73,150
Tuesday, March 19, 2024	71.08	73,920
Wednesday, March 20, 2024	73.52	76,461
Thursday, March 21, 2024	72.19	75,075
Friday, March 22, 2024	71.15	73,997
Saturday, March 23, 2024	68.67	71,418
Sunday, March 24, 2024	66.86	69,531
Monday, March 25, 2024	82.97	86,288
Tuesday, March 26, 2024	75.17	78,172
Wednesday, March 27, 2024	75.80	78,828
Thursday, March 28, 2024	78.62	81,766
Friday, March 29, 2024	71.39	74,243
Saturday, March 30, 2024	69.61	72,392
Sunday, March 31, 2024	74.06	77,024

1,855	1.929	TBtu
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Date sent	Month M + 1	Apr-24	2.272	TBtu
Monday, February 5, 2024	Month M + 2	May-24	2.356	TBtu

Exhibit B

Fuel nominations sent to NFEnergía, LLC for the supply of natural gas to San Juan units 5 and 6



FUEL SALE AND PURCHASE AGREEMENT
 BETWEEN GENERA PR, AS AGENT OF PREPA (BUYER)
 AND NEW FORTRESS ENERGY (SELLER)

SAN JUAN 5 & 6 NINETY DAY SCHEDULE

Month M DAY	Mar-24			
	DAILY MMscf	MMBtu		
Friday, March 01, 2024	67.91	70,622		
Saturday, March 02, 2024	65.45	68,069		
Sunday, March 03, 2024	64.87	67,460		
Monday, March 04, 2024	68.44	71,177		
Tuesday, March 05, 2024	68.06	70,778		
Wednesday, March 06, 2024	68.16	70,882		
Thursday, March 07, 2024	67.66	70,366		
Friday, March 08, 2024	66.64	69,305		
Saturday, March 09, 2024	63.46	66,000		
Sunday, March 10, 2024	63.73	66,283		
Monday, March 11, 2024	71.22	74,069		
Tuesday, March 12, 2024	70.27	73,077		
Wednesday, March 13, 2024	70.86	73,698		
Thursday, March 14, 2024	67.85	70,566		
Friday, March 15, 2024	67.37	70,060		
Saturday, March 16, 2024	63.87	66,428		
Sunday, March 17, 2024	63.91	66,462		
Monday, March 18, 2024	68.51	71,250		
Tuesday, March 19, 2024	68.81	71,561		
Wednesday, March 20, 2024	68.21	70,935		
Thursday, March 21, 2024	68.56	71,303		
Friday, March 22, 2024	70.45	73,265		
Saturday, March 23, 2024	60.96	63,401		
Sunday, March 24, 2024	62.79	65,300		
Monday, March 25, 2024	34.80	36,195		
Tuesday, March 26, 2024	34.83	36,224		
Wednesday, March 27, 2024	35.24	36,653		
Thursday, March 28, 2024	35.18	36,585		
Friday, March 29, 2024	33.61	34,949		
Saturday, March 30, 2024	31.67	32,933		
Sunday, March 31, 2024	32.48	33,783		
	1,846	1.920	TBtu	
	Month M + 1	Apr-24	1.081	TBtu
	Month M + 2	May-24	1.119	TBtu

Date sent
 Monday, February 5, 2024